IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 23RD FEBRUARY 2007 / WPC PHALGUNA 1928

WP(C).No. 6229 OF 2007(S)

OS.658/2005 OF FAMILY COURT, KOTTARAKKARA
.....

PETITIONER:

MOHAMMED ESMAIL, KUNNUVILA VEEDU,
PERINGALLOOR, AYOOR.

BY ADV. SRI.V.GIRI

RESPONDENTS:

ARIFA UMMAL,
CHARAKKOTTU VEEDU, KOTTUKKAL MURI,
ANCHAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & SIRI JAGAN, JJ.

==========

W.P.(C) NO. 6229 OF 2007

==========

DATED THIS, THE 23RD DAY OF FEBRUARY, 2007

J U D G M E N T

Raman, J.

This writ petition is filed seeking to challenge Exts.P5 and P6 orders passed by the Family Court. Ext.P5 is an order allowing an application filed by the respondent seeking to reopen the evidence of the plaintiff. Ext.P6 is an order directing deposit of costs in the court. According to the petitioner, there is no justification for the court to reopen the evidence already closed and that the Family Court has no jurisdiction to do so. If the orders impugned, according to the petitioner, are illegal, certainly it is open to him to raise such contention after the final order is passed by the Family court in case the said order is adverse to him. We do not think it is appropriate or a fit case to interfere at this stage in exercise of the jurisdiction under Article 227 of the Constitution of India.

In the result, this writ petition is dismissed without prejudice to the right of the petitioner to challenge Ext.P5 and P6 order after final orders are passed in the suit.

P.R. RAMAN,
JUDGE.

SIRI JAGAN,
(JUDGE)

knc/-